

# State of California

## Office of Administrative Law

In re:  
Board of Forestry and Fire Protection

Regulatory Action:

Title 14, California Code of Regulations

**APPROVED:**

Adopt sections: 1299.01, 1299.01, 1299.02,  
1299.03, 1299.03(a),  
1299.03(b)(1) and most of  
the document  
incorporated therein by  
reference,  
1299.03(b)(2)(B),  
1299.03(b)(2)(C), 1299.04,  
1299.05

Repeal sections: 1299

**DISAPPROVED:**

Adopt sections: 1299.03(b)(2)(A) and a  
portion of the document  
incorporated by reference  
by section 1299.03(b)(1)

**NOTICE OF APPROVAL IN PART AND  
DISAPPROVAL IN PART OF REGULATORY  
ACTION**

Government Code Section 11349.3

OAL File No. 2013-0122-02 SR

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This rulemaking action repeals and adds sections to Title 14 of the California Code of Regulations to implement section 4291 of the Public Resources Code by specifying rules for the creation of fire-defensible space around buildings and structures within State Responsibility Areas. More specifically, the rulemaking action specifies differing rules for vegetation clearance and maintenance in zones within a circumference of 30 feet from a building or structure and within a circumference of 30 to 100 feet around a building or structure. The Office of Administrative Law (OAL) has approved the repeal of existing section 1299 and the adoption of sections 1299.01, 1299.02, 1299.03, 1299.03(a), 1299.03(b)(1) and most of the document incorporated by reference therein, 1299.03(b)(2)(B), 1299.03(b)(2)(C), 1299.03(c), 1299.04, and 1299.05. OAL disapproves the adoption of section 1299.03(b)(2)(A) and a portion of the document incorporated by reference by section 1299.03(b)(1) for failure to meet the

OAL approves the repeal of Title 14, California Code of Regulations, section 1299 and the adoption of sections 1299.01, 1299.02, 1299.03, 1299.03(a), 1299.03(b)(1) and most of the document incorporated by reference therein, 1299.03(b)(2)(B),

1299.03(b)(2)(C), 1299.03(c), 1299.04, and 1299.05, as meeting all applicable legal requirements.

OAL disapproves Title 14, California Code of Regulations section 1299.03(b)(2)(A) and a portion of the document incorporated by reference by section 1299.03(b)(1), for failure to meet the clarity standard of Government Code sections 11349.1(a)(3) and 11349(c). Within seven (7) calendar days of the date of this notice, the Office of Administrative Law will send the adopting agency a written decision detailing the reason for disapproval of this portion of the regulatory filing.

Pursuant to Government Code section 11349.4, within 120 days of receipt of the Decision of Disapproval from the OAL, the Board of Forestry and Fire Protection may resubmit to OAL for review proposed section 1299.03(b)(2)(A) and the disapproved portion of the document incorporated by reference by section 1299.03(b)(1).

Date: 3/6/2013

  
Dale P. Mentink  
Senior Staff Counsel

For: DEBRA M. CORNEZ  
Director

Original: George Gentry  
Copy: Eric Huff

1 DEFENSIBLE SPACE, 2012

2 14 CCR, Division 1.5, Chapter 7 Fire Protection, Subchapter 3.,

3 Article 3. Fire Hazard Reduction Around Buildings and Structures

4  
5 **§ 1299. Defensible Space.**

6 ~~The intent of this regulation is to provide guidance for~~  
7 ~~implementation of Public Resources Code 4291(a) and (b), and minimize~~  
8 ~~the spread of fire within a 100 foot zone around a building or~~  
9 ~~structure.~~

10  
11 ~~(a) A person that owns, leases, controls, operates, or maintains a~~  
12 ~~building or structure in, upon, or adjoining any mountainous area,~~  
13 ~~forest-covered lands, brush-covered lands, grass-covered lands, or any~~  
14 ~~land that is covered with flammable material, and is within State~~  
15 ~~Responsibility Area, shall do the following:~~

16  
17 ~~(1) Within 30 feet from each building or structure maintain a~~  
18 ~~firebreak by removing and clearing away all flammable vegetation and~~  
19 ~~other combustible growth pursuant to PRC § 4291(a). Single specimens~~  
20 ~~of trees or other vegetation may be retained provided they are well-~~  
21 ~~spaced, well-pruned, and create a condition that avoids spread of~~  
22 ~~fire to other vegetation or to a building or structure.~~

23  
24 ~~(2) Within the 30 feet to 100 feet zone (Reduced Fuel Zone) from each~~  
25 ~~building or structure (or to the property line, whichever is nearer to~~

1 ~~the structure), provide a fuelbreak by disrupting the vertical and/or~~  
2 ~~horizontal continuity of flammable and combustible vegetation with the~~  
3 ~~goal of reducing fire intensity, inhibiting fire in the crowns of~~  
4 ~~trees, reducing the rate of fire spread, and providing a safer~~  
5 ~~environment for firefighters to suppress wildfire pursuant to PRC [§](#)~~  
6 ~~[4291\(b\)](#).~~

7  
8 ~~(b) Any vegetation fuels identified as a fire hazard by the fire~~  
9 ~~inspection official of the authority having jurisdiction shall be~~  
10 ~~removed or modified provided it is required by subsection (a) (1) &~~  
11 ~~(a) (2).~~

12  
13 ~~(c) Within the intent of the regulations, the fire inspection official~~  
14 ~~of the authority having jurisdiction may approve alternative practices~~  
15 ~~which provide for the same practical effects as the stated guidelines.~~

16  
17 ~~(d) Guidance for implementation of this regulation is contained in the~~  
18 ~~publication: "General Guidelines for Creating Defensible Space" as~~  
19 ~~published by the Board of Forestry and Fire Protection by resolution~~  
20 ~~adopted on February 8, 2006.~~

21  
22 ~~Note: Authority cited: [Sections 4102, 4125-4128](#) and [4291, Public](#)~~  
23 ~~[Resources Code](#). Reference: [Section 4291, Public Resources Code](#).~~

1 **Adopt § 1299.01. Purpose.**

2 The intent of this regulation is to provide guidance for  
3 implementation of Public Resources Code Section 4291 to improve safety  
4 for fire fighters defending a home as well as increase the  
5 survivability of a "Building or Structure" as defined, that exists in  
6 grass, brush, and forest covered lands within the designated State  
7 Responsibility Area (SRA) of California.

8  
9 Note: Authority cited: Public Resources Code Sections 4290 and 4291.

10 Reference: Public Resource Code Section 4291.

11  
12 **Adopt § 1299.02. Definitions.**

13 The following definitions apply to this article:

14  
15 **(a) Defensible space.** The buffer that landowners are required to  
16 create on their property between a "Building or Structure" and the  
17 plants, brush and trees or other items surrounding the "Building or  
18 Structure" that could ignite in the event of a fire.

19  
20 **(b) Building or Structure.** Anything constructed that is designed or  
21 intended for support, enclosure, shelter, or protection of persons,  
22 animals, or property, having a permanent roof that is supported by  
23 walls or posts that connect to~~r~~ or rest on the ground.

1 (c) Outbuilding. Buildings or structures that are less than one  
2 hundred-twenty (120) square feet in size and not used for human  
3 habitation. For purposes of this Section, an "Outbuilding" is not a  
4 "Building or Structure" as defined in subsection (b) above.

5  
6 Note: Authority cited: Public Resources Code Sections 4290 and 4291.  
7 Reference: Public Resource Code Section 4291, Health and Safety Code  
8 Sections 18908 and 18917.

9  
10 **Adopt § 1299.03. Requirements.**

11 Defensible space is required to be maintained at all times, whenever  
12 flammable vegetative conditions exist. One hundred feet (100 ft.) of  
13 defensible space clearance shall be maintained in two distinct "Zones"  
14 as follows: "Zone 1" extends thirty feet (30 ft.) out from each  
15 "Building or Structure," or to the property line, whichever comes  
16 first; "Zone 2" extends from thirty feet (30 ft.) to one hundred feet  
17 (100 ft.) from each "Building or Structure," but not beyond the  
18 property line. The vegetation treatment requirements for Zone 1 are  
19 more restrictive than for Zone 2, as provided in (a) and (b) below.  
20 The Department of Forestry and Fire Protection's "Property Inspection  
21 Guide, 2000 version, April 2000," provides additional guidance on  
22 vegetation treatment within Zone 1 and Zone 2, but is not mandatory  
23 and is not intended as a substitute for these regulations. This  
24 publication may be found on the Department of Forestry and Fire

1 Protection (CAL FIRE) website at:

2 [http://cdfdata.fire.ca.gov/fire\\_er/fpp\\_engineering\\_view?guide\\_id=8](http://cdfdata.fire.ca.gov/fire_er/fpp_engineering_view?guide_id=8)

3  
4 (a) Zone 1 Requirements:

5 (1) Remove all dead or dying grass, plants, shrubs, trees,  
6 branches, leaves, weeds, and pine needles from the Zone whether  
7 such vegetation occurs in yard areas around the "Building or  
8 Structure," on the roof or rain gutters of the "Building or  
9 Structure," or any other location within the Zone.

10  
11 (2) Remove dead tree or shrub branches that overhang roofs, below  
12 or adjacent to windows, or which are adjacent to wall surfaces,  
13 and keep all branches a minimum of ten feet (10 ft.) away from  
14 chimney and stovepipe outlets.

15  
16 (3) Relocate exposed firewood piles outside of Zone 1 unless they  
17 are completely covered in a fire resistant material.

18  
19 (4) Remove flammable vegetation and items that could catch fire  
20 which are adjacent to or under combustible decks, balconies and  
21 stairs.

22  
23 (b) Zone 2 Requirements:

1 (1) In this zone create horizontal and vertical spacing among  
2 shrubs and trees using the "Fuel Separation" method, the  
3 "Continuous Tree Canopy" method or a combination of both to  
4 achieve defensible space clearance requirements. Further guidance  
5 regarding these methods is contained in the State Board of  
6 Forestry and Fire Protection's, "General Guidelines for Creating  
7 Defensible Space, February 8, 2006," incorporated herein by  
8 reference, and the "Property Inspection Guide" referenced  
9 elsewhere in this regulation. The "General Guidelines for  
10 Creating Defensible Space" may be found on the Board's website  
11 at:

12 [http://www.fire.ca.gov/CDFBOFDB/pdfs/Copyof4291finalguidelines9 2](http://www.fire.ca.gov/CDFBOFDB/pdfs/Copyof4291finalguidelines9%2006.pdf)  
13 [9 06.pdf.](http://www.fire.ca.gov/CDFBOFDB/pdfs/Copyof4291finalguidelines9%2006.pdf)

14  
15 (2) In both the Fuel Separation and Continuous Tree Canopy  
16 methods the following standards apply:

17  
18 (A) [reserved]  
19  
20  
21  
22

23 (B) Cut annual grasses and forbs down to a maximum height  
24 of four inches (4 in.).  
25



1           (C) All exposed wood piles must have a minimum of ten feet  
2           (10 ft.) of clearance, down to bare mineral soil, in all  
3           directions.

4  
5           (c) For both Zones 1 and 2:

6  
7           (1) "Outbuildings" and Liquid Propane Gas (LPG) storage tanks  
8           shall have the following minimum clearance: ten feet (10 ft.) of  
9           clearance to bare mineral soil and no flammable vegetation for an  
10           additional ten feet (10 ft.) around their exterior.

11  
12           (2) Protect water quality. Do not clear vegetation to bare  
13           mineral soil and avoid the use of heavy equipment in and around  
14           streams and seasonal drainages. Vegetation removal can cause  
15           soil erosion, especially on steep slopes. Keep soil disturbance  
16           to a minimum on steep slopes.

17  
18           Note: Authority cited: Public Resources Code Sections 4290 and 4291.

19           Reference: Public Resource Code Section 4291, Health and Safety Code  
20           Sections 18908 and 18917.

21  
22           **Adopt § 1299.04. Additional clearance**

23           (a) An insurance company that insures an occupied "Building or  
24           Structure" may require additional clearance beyond that required under

1 § 1299.03 only if a fire expert designated by the Director provides  
2 findings that the clearing is necessary.

3  
4 (b) Within the intent of the regulations, a fire expert designated  
5 by the Director may require more than one hundred feet (100 ft.) of  
6 defensible space. A fire expert cannot require additional defensible  
7 space clearance beyond the property line.

8  
9 (c) Further guidance to property owners on implementation of this  
10 regulation is contained in the "General Guidelines for Creating  
11 Defensible Space" and the "Property Inspection Guide," both of which  
12 are referenced elsewhere in this regulation.

13  
14 Note: Authority cited: Public Resources Code Sections 4290 and 4291.

15 Reference: Public Resource Code Section 4291.

16  
17 **Adopt § 1299.05. Alternative Methods**

18 The provisions of these regulations are not intended to exclude  
19 alternative methods not specifically prescribed by these regulations.

20 A fire expert designated by the Director may approve alternative  
21 practices which provide for the same practical effects as those stated  
22 in these regulations.

23  
24 Note: Authority cited: Public Resources Code Sections 4290 and 4291.

25 Reference: Public Resource Code Section 4291 and 4291.3.

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